



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
NATHAN PROCH

Examiner : Christopher S. Kim
Art Unit : 3752

Applic.: 10/609,166

Filed: 06/27/2003

For: RECIRCULATING WATER
FOUNTAIN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION

Attached is a Claim Listing showing proposed amendments to the claims.

REMARKS

The Office Action dated 05/20/2005 finally rejecting claims 1-32 has been carefully studied.

Paragraph 3 of the Office Action comments that the quoted "intended use language" has been given "no patentable weight". On this basis, paragraph 4 rejects claims 1-3, 5-30 and 32 under 35 U.S.C. 103 (a) on Ting in view of Bear, and paragraph 5 rejects claims 1-14, 20-32 under 35 U.S.C. 103 (a) on Nash in view of Bear.

Additionally, however, in response to Applicants arguments, the Office Action in paragraph 6 alternatively proceeds on the basis that the quoted "intended use language" has been given "patentable weight". On this basis, paragraph 8 rejects claims 1-3, 5-30 and 32 under 35 U.S.C. 103 (a) on Ting in view of newly cited Hotine and paragraph 9 rejects claims 1-14, 20-32 under 35 U.S.C. 103 (a) on Nash in view of Hotine.

Paragraph 10 of the Office Action asserts that the quoted "intended use language" has not been given patentable weight because it merely recites "intended use of the detector and the controller". Applicant respectfully disagrees and submits that the quoted language, rather